

U.S. Patent Application No. 10/828,789  
Amendment dated December 17, 2007

**REMARKS/ARGUMENTS**

Reconsideration and continued examination of the above-identified application are respectfully requested.

By way of this amendment, the subject matter of claims 3 and 4 has been incorporated into claim 1. Claims 5, 25, 26, 49, 50, and 94-96 have been canceled. Also, non-elected claims 57, 66, 75, 85, and 88-90 have been canceled.

Entry of this amendment is respectfully requested. This amendment, since it incorporates the subject matter from dependent claims already examined, does not raise any new questions of patentability, nor require any further searching. The amendment places the application in condition for allowance, or at the very least, in a better condition for appeal. Further, it is noted that the Examiner has indicated that the subject matter of claims 3 and 4 are only objected to and contain allowable subject matter.

**Rejection of claims 1, 2, 5-13, 16-18, 23-26, 49, 50, 52, 56, 92, 93, 95, and 96 under 35 U.S.C. §103(a) – Oda et al. in view of Asbury**

At the bottom of page 2 of the Office Action, the Examiner rejects claims 1, 2, 5-13, 16-18, 23-26, 49, 50, 52, 56, 92, 93, 95, and 96 under 35 U.S.C. §103(a) as being unpatentable over Oda et al. (U.S. Patent No. 7,204,866) in view of Asbury (U.S. Patent No. 6,174,493). The Examiner asserts that Oda et al. shows a method using a pore-forming agent, but does not show iodine. The Examiner further asserts that Asbury shows a method of forming porous articles using iodine as a pore-forming material. The Examiner states that other limitations in the claims are not present in the cited references. However, the Examiner concludes that these claims would be obvious. This rejection is respectfully traversed.

While the applicants do not agree with the Examiner's conclusions regarding the

U.S. Patent Application No. 10/828,789  
Amendment dated December 17, 2007

patentability of these rejected claims, to advance the prosecution of this application, the subject matter of claims 3 and 4 has been incorporated into claim 1. The Examiner has indicated that the subject matter of claims 3 and 4 is allowable. Therefore, by way of this amendment, all claims should be in condition for allowance. The applicants do note that claim 1, while reciting that the iodine is a liquid or gas would encompass iodine solids that convert to a gas or liquid during sintering.

Accordingly, this rejection is moot in view of the allowable subject matter.

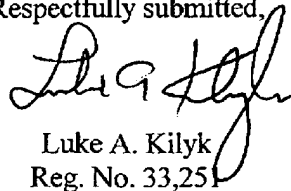
At page 4 of the Office Action, the Examiner does indicate that claims 3, 4, 14, 15, 19-22, 53, 91, and 94 are only objected to and would be allowable if re-written into independent form. As stated above, the subject matter of claims 3 and 4 has been incorporated into claim 1 and, therefore, all claims should be in condition for allowance. The applicants appreciate the indication of allowability with regard to certain subject matter by the Examiner.

### CONCLUSION

In view of the foregoing remarks, the applicant respectfully requests the reconsideration of this application and the timely allowance of the pending claims.

If there are any fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 03-0060. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Respectfully submitted,



Luke A. Kilyk  
Reg. No. 33,251

U.S. Patent Application No. 10/828,789  
Amendment dated December 17, 2007

Atty. Docket No. 02104CIP (3600-419-01)  
KILYK & BOWERSOX, P.L.L.C.  
400 Holiday Court, Suite 102  
Warrenton, VA 20186  
Tel.: (540) 428-1701  
Fax: (540) 428-1720